

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-FLINT**

IN RE:

Tammy L. Celmo

CASE NO.: 20-30535-jda

CHAPTER 13 PROCEEDINGS

JUDGE JOEL D. APPLEBAUM

Address(es): 3910 Sugarbush, Howell, MI 48843

Employer's Tax Identification (EIN) No(s) (if any):

Social Security No.: xxx-xx-9605

Social Security No.:

Debtor(s) _____ /

**NOTICE OF CHAPTER 13 STANDING TRUSTEE'S OBJECTION TO
THE PROOF OF CLAIM OF U OF M CREDIT UNION AS IDENTIFIED
AS PACER CLAIM NUMBER 6 PURSUANT TO THE COURT'S CLAIMS
REGISTER**

The Chapter 13 Standing Trustee, Carl L. Bekofske, has filed an objection to
a Proof of Claim in this bankruptcy case.

**Your claim may be reduced, modified or disallowed. You should read
these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to disallow or change your proof of claim, then
on or before, **JULY 7, 2020**, you or your lawyer must:

1. File with the Court a written response to the objection explaining your
position at:

United States Bankruptcy Court
226 West Second Street
Flint, MI 48502

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Tammy L. Celmo, 3910 Sugarbush, Howell, MI 48843
Chapter 13 Trustee: 400 N. Saginaw St., Ste. 331 Flint, MI 48502
U OF M Credit Union, P.O. Box 7850, Ann Arbor, MI 48107

2. Attend the hearing on the objection, scheduled to be held on **JULY 14, 2020 at 10:00am** in Courtroom at United States Bankruptcy Court, 226 West Second Street, Flint, MI 48502, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to the claim, in which event the hearing will be cancelled and the objection sustained.

Dated: May 12, 2020

/s/ Carl L. Bekofske

Carl L. Bekofske P10645

Melissa Caouette P62729

400 N. Saginaw Street, Ste. 331

Flint, MI 48502

Telephone: 810.238.4675

ecf@flint13.com

**UNITED STATES BANKRUPTCY COURT
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IN RE:

Tammy L. Celmo

CASE NO.: 20-30535-jda
CHAPTER 13 PROCEEDINGS
JUDGE JOEL D. APPLEBAUM

Debtor(s) _____ /

**CHAPTER 13 TRUSTEE'S OBJECTION TO THE PROOF OF CLAIM OF
U OF M CREDIT UNION AS IDENTIFIED AS PACER CLAIM NUMBER 6
PURSUANT TO THE COURT'S CLAIMS REGISTER**

NOW COMES the Chapter 13 Trustee and by way of objection to the Proof of Claim of U OF M CREDIT UNION as identified as Pacer claim number 6 pursuant to the Court's Claims Register, as follows:

1. The debtor's voluntary Chapter 13 Petition was filed on February 29, 2020.
2. A Proof of Claim was filed on behalf of U OF M CREDIT UNION on April 21, 2020 in the amount of \$5,420.42 and is identified as Pacer Claim number 6 pursuant to the Court's Claims Register.
3. The Proof of Claim filed on behalf of U OF M CREDIT UNION, Pacer claim number 6, asserts that the claim is secured, but fails to attach proof that its security interest has been perfected in contravention of F.R.Bankr.P. 3001(d).

WHEREFORE, the Chapter 13 Standing Trustee prays that this Honorable Court allow the Proof of Claim filed on behalf of U OF M CREDIT UNION, as identified as Pacer claim number 6 pursuant to the Court's Claims Register, **as an unsecured non-priority claim in its entirety** and grant any other and further

relief as this Court deems equitable and just, including entering an Order absolving the Trustee from any duty to recoup disbursements previously made on behalf of U OF M CREDIT UNION.

Dated: May 12, 2020

/s/ Carl L. Bekofske

Carl L. Bekofske P10645

Melissa Caouette P62729

400 N. Saginaw Street, Ste. 331

Flint, MI 48502

Telephone: 810.238.4675

Fax: 810.238.4712

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**UNITED STATES BANKRUPTCY COURT
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IN RE:

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CASE NO.: 20-30535-jda

CHAPTER 13 PROCEEDINGS

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Debtor(s) _____ /

**ORDER GRANTING THE CHAPTER 13 TRUSTEE'S OBJECTION TO
THE PROOF OF CLAIM OF U OF M CREDIT UNION AS IDENTIFIED
AS PACER CLAIM NUMBER 6 PURSUANT TO THE COURT'S CLAIMS
REGISTER**

This matter having arisen upon the Objection to Proof of Claim filed by the Chapter 13 Standing Trustee, the Objection having been served with the Notice of Objection to Claim in accordance with the local bankruptcy rules, the requisite time for a response having passed, no response to the Objection having been timely filed and served, and the Court being otherwise sufficiently advised in the premises:

IT IS HEREBY ORDERED that the Proof of Claim filed on behalf of U OF M CREDIT UNION, as identified as Pacer claim number 6 pursuant to the Court's Claims Register, is allowed **as an unsecured non-priority claim in its entirety.**

IT IS HEREBY ORDERED that to the extent the Chapter 13 Standing Trustee has previously made disbursements to such Creditor, the Trustee shall not be obligated to recoup same.

“Proposed Order”

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Debtor(s) /

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2020, I electronically filed the Chapter 13 Standing Trustee's Objection to the Proof of Claim of U OF M CREDIT UNION, as identified as Pacer claim number 6 pursuant to the Court's Claims Register, Notice, Proposed Order and Certificate of Service with the Clerk of the Court using the ECF system; which will send notification to the following:

Attorney for Debtor:
Marrs & Terry, PLLC

tterry@marrsterry.com

Attorney for Creditor:
Christopher Frank

cfrank@leducfrank.com

The following parties were served via First Class Mail at the address below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Tammy L. Celmo, 3910 Sugarbush, Howell, MI 48843

U OF M Credit Union, P.O. Box 7850, Ann Arbor, MI 48107

/s/ Sherry Beasinger

Sherry Beasinger
Chapter 13 Trustee's Office
400 N. Saginaw Street, Suite 331
Flint, MI 48502
Telephone: (810) 238-4675
ecf@flint13.com